

7th March 1991

DA 171/90/79 BH:J

PH:REB PROP EXT M

Mr. Peter Handel  
Quarries Business Manager  
State Rail Authority of NSW  
PO Box 121  
GREENACRE NSW 2190

Dear Mr. Handel,

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979  
NOTICE TO APPLICANT OF DETERMINATION OF A  
DEVELOPMENT APPLICATION**

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Pursuant to section 92 of the Act, notice is hereby given of the Determination by Council (the consent authority) of the Development Application No. 171/90/79 the details of which, and of the land involved follow :-

Owner(s) (according to Council records): Mitchell's Concrete Products Pty Ltd and Cescastle Pty Ltd

Address: C/- Mitchell's Concrete Products Pty Ltd, Tall Timbers Road, Lake Munmorah NSW 2259

Applicant: State Rail Authority of New South Wales

Address: PO Box 121, GREENACRE NSW 2190

Property: Lots 5 and 6 in DP 242210 off Station Street, Martins Creek, Parish Barford County Durham

Area: 52.5 ha                                  Zoning: Rural 1(b)

Assessment No. 1553/16 and 1553.17

Development: An Extractive Industry ("Designated Development") being a quarry, winning material primarily for railway ballast.

Determination: In accordance with the provisions of clause 9 of the Dungog Local Environmental Plan 1990, and the provisions of part IV of the Environmental Planning & Assessment Act 1979, this development application has been determined by granting of consent subject to the conditions detailed in Annexure "A" - Schedule 5 to this notice.

Mr. Hartcher

The reason(s) for the imposition of the conditions are detailed in Annexure "A" - Schedule 6.


- Relevant Dates:
- 1) Date of application: Undated - Received on 15th August 1990
  - 2) Date of Consent: 12th February 1991
  - 3) Effective and operative date: 28 days from the (Section 93(1)(b) date of this EP & A Act 1979) notice.

Terms of Development Consent: See Annexure "A" - Schedule 2

Right of Appeal: See Annexure "A" - Schedule 3

Nature of Development Consent: See Annexure "A" - Schedule 1

An additional copy of Annexure "A" is enclosed. If you are prepared to accept the conditions please sign the enclosed "Conditions of Acceptance" and return one copy of the signed Annexure.



Yours faithfully,



P.J. Landy  
SHIRE CLERK

Encl.

DA 171/90/79 - STATE RAIL AUTHORITY OF N.S.W. - EXTRACTIVE  
INDUSTRY (QUARRY) - LOTS 5 & 6 IN DP 242210 AT MARTINS CREEK

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**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DEVELOPMENT CONSENT**

**ANNEXURE "A"**

**SCHEDULE 1 - NATURE OF DEVELOPMENT CONSENT**

A Development Consent does not infer any approval to commence any excavations, structural engineering, or building works upon the land. A Building Permit will need to have been issued by Council prior to the commencement of any such work.

Building Permits are issued by Council's Health & Building Section and all further enquiries concerning building works should be made directly to that section. Please note that the Building Permit may contain additional conditions of approval concerning structural requirements other than those stated upon this Development Consent.

**SCHEDULE 2 - TERM OF DEVELOPMENT CONSENT**

Under Section 99 of the Act, a consent granted to a development application, generally, shall lapse unless the development the subject of that consent is commenced within 2 years of the date upon which that consent becomes effective, unless an environmental planning instrument is made having the effect of prohibiting the development.

Consideration will be given to the extension of this Consent, for a further period of 12 months, if an application is lodged with Council not less than forty (40) days prior to the lapsing date. The application to extend the Consent for a further period of twelve (12) months shall be accompanied by the prescribed fee, and in accepting the application to renew, Council does not necessarily infer that consent will be given.

**SCHEDULE 3 - RIGHT OF APPEAL**

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land & Environment Court, exercisable within 12 months after receipt of this notice.

**SCHEDULE 4 - EFFECTIVE DATE OF CONSENT**

Unless otherwise advised, this Development Consent shall become effective and operate from the 1st April 1991 being 28 days from the date of notification of the determination of the Development Application.

**SCHEDULE 5 - CONDITIONS**

See Annexure "B".

**SCHEDULE 6 - REASONS FOR IMPOSITION OF CONDITIONS**

Reasons numbered 2,5,& 6 on the attached sheet.

**SCHEDULE 7 - ACCEPTANCE OF CONDITIONS**

I/We,  
hereby agree to accept and abide by the conditions of approval detailed above attached to the Development Consent given to Development Application No.171/90/79 by the Dungog Shire Council.

.....  
Signature

.....  
Date

.....  
Witness

Please return one copy to :-

The Shire Clerk,  
Dungog Shire Council,  
P.O. Box 95,  
DUNOG. N.S.W. 2420

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ANNEXURE "B"

SCHEDULE 5 - Conditions of development consent 171/90/79 for extractive industry on lots 5 & 6 DP 242210 Parish Barford County Durham at Martins Creek.

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1. The development being conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste, water, waste products or otherwise;

Rehabilitation

2. a) Within 6 months of the date of granting of this consent, or within such further period as the Council may permit, the applicant shall submit, for the approval of both Council and the NSW Soil Conservation Service, detailed plans and specifications of proposed erosion and sediment control measures, of proposed dams for soil and water conservation and of rehabilitation of both the existing quarry site on the generally eastern side of Station Street and the proposed quarry site on lots 5 and 6 in DP 242210.  
  
b) All areas disturbed due to quarrying operations and the haulage of stone are to be fully rehabilitated to the satisfaction of both Council and the NSW Soil Conservation Service. Rehabilitation of the sites is to be completed within 12 months following the completion of all extractive activities.

Visual Amenity

3. The applicant shall comply with the requirements of the Council in respect of any supplementary tree planting and visual amenity enhancement works which may be identified by the Council as necessary for the maintenance of a satisfactory visual amenity in the local area.

State Pollution Control Commission Approvals

4. Prior to the commencement of the proposed development, the applicant shall obtain from the State Pollution Control Commission ("the Commission") all statutory approvals and licences as may be required under the State Pollution Control Act, the Clean Air Act 1961, the Clean Waters Act 1970 and the Noise Control Act 1975 together with such other approvals or licenses as may be required under future legislation or regulations for the conduct of the proposed development. The applicant shall conduct the development in accordance with the terms of such approvals and licences.

Public Authorities

5. The applicant shall meet the reasonable requirements of all public authorities having statutory responsibilities in respect of the proposed development.

Product Transportation

6. The applicant shall not permit the transport of more than 30% of the quarry products, by road without the further specific approval of Council.

Environmental Monitoring - General

7. The applicant shall:
  - (a) Undertake and implement environmental monitoring in respect of soil rehabilitation as may be required by the Council, Soil Conservation Service and the Department of Minerals and Energy and in respect of ground water levels and quality, as may be required by the Department of Water Resources and/ or Council, and in respect of noise, dust, air quality, vibration and water quality as may be required by the State Pollution Control Commission and/or Council;
  - (b) Ensure that all environmental safeguards proposed for the development and required by this consent and other statutory approvals are enforced;

- (c) Provide to the Department, the Commission and the Council for public release, results and analyses of environmental monitoring undertaken in pursuance of the provisions of sub-clause (a) herein. Such results and analyses shall be provided on an annual basis, at the 31st December for review by the responsible government bodies.
- (d) Analyse in accordance with the requirements of the State Pollution Control Commission all waters other than uncontaminated stormwater to be discharged from the quarrying, crushing and water storage areas of the site;
- (e) Obtain the prior approval of the State Pollution Control Commission before discharging any waters other than uncontaminated stormwater from the quarrying, crushing or water storage areas of the site;
- (f) Provide details of procedures for dealing with spillage of petroleum products prior to commencement of quarrying operations.

#### Off-site Effects

- 8. In the event that impact of dust and noise from the quarrying operations at residences outside the quarry area is in excess of the amenity criteria of the Commission, the Applicant shall undertake such works as may be required by the Commission and/or Council to mitigate those impacts.

#### Land and Water Management Plans

- 9. (i) The Applicant shall prepare to Council's satisfaction and regularly update a Land Management Plan generally in accordance with the Mining Regulation Act.
- (ii) The Applicant shall obtain the approval of the State Pollution Control Commission for a water management plan for the project site prior to the commencement of quarrying operations.

#### Cumulative Impact Study

- 10. The Applicant shall assist the State Pollution Control Commission in carrying out dust, noise and vibration monitoring of mining operations to determine impacts outside the quarrying activity area, and report to the Commission, the Council and the Department of Minerals and Energy.

Roads

- 11.(a) The Applicant shall make a contribution towards the cost of the following road works -
- 1) Reconstruction, improvement and sealing Station Street, Martins Creek from entrance gates to existing quarry to the intersection with Cory Street - a distance of about 350 metres - 400 metres;
  - 2) Reconstruction, improvement and sealing of Grace Avenue/Cory Street, from Station Street to Dungog Road - a distance of about 550 metres.
  - 3) Reconstruction, improvement and sealing of intersection Grace Avenue and Dungog Road.
- (b) A sub-committee of Council be formed consisting of the Shire President, Cr. E. Clements, Shire Clerk and Relieving Engineer, to negotiate the extent of the contribution.
- (c) The Applicant shall negotiate with the Roads and Traffic Authority relative to the proposal to haul over classified roads and to a contribution to cover wear and tear to classified roads."

Blasting Notifications

12. The Applicant shall notify adjoining residents of significant blasting events and advise those residents of the general blasting program.

Blasting

13. The Applicant shall :-
- (a) Not blast within 500 metres of a public road while it is open for traffic;
  - (b) Design all surface blasts to minimize airblast overpressure and vibration using the NONEL system or equivalent;
  - (c) Meet the airblast overpressure and vibration design goals as set by the State Pollution Control Commission;
  - (d) Monitor all blasts at dwelling sites to be determined by and to the satisfaction of the State Pollution Control Commission.



Dust Supression

14. The Applicant shall :-

- (a) Take all steps necessary to minimize the emission of dust from all activities associated with the development;
- (b) Maintain sufficient equipment with the capacity to apply water to all trafficked areas at the rate of at least one litre per square metre per hour;
- (c) Fit and maintain dust suppression equipment to drills used within the quarry site;
- (d) Ensure the rehabilitation of all disturbed areas as soon as practicable to minimize the generation of wind erosion dust and in accordance with the requirements of all relevant authorities.

Hours of Operation

15. (a) Normal hours of operation -
- |                             |               |
|-----------------------------|---------------|
| Monday to Saturday          | 7am to 5pm    |
| Sundays and Public Holidays | No operations |
- (b) Operation outside these hours acceptable on a short term emergency basis.

Noise Suppression

16. The Applicant shall :-

- (a) Not operate outside the hours of operation detailed in condition number 15;
- (b) Ensure that on-site haul roads are graded and kept in good repair to minimize bouncing of trucks and subsequent noise;
- (c) Ensure that diesel plant is correctly fitted and maintained with the manufacturer's standards being the minimum standard.

Set-backs from boundaries

17. No quarrying operations are to be carried out within 20 metres of any external boundary of the land.

Disputes

18. In the case of the dispute between the Applicant and the Council or a statutory body in the implementation of the conditions of this consent the matter shall be referred to the Director of Planning for resolution.